

DATES: EPA will accept written comments relating to the proposed settlement until December 29, 1997.

ADDRESSES: Comments should be addressed to Sharon E. Kivowitz, New York/Caribbean Superfund Branch, Office of Regional Counsel, U.S. Environmental Protection Agency, 290 Broadway, 17th Floor, New York, New York 10007-1866 and should refer to: In Re: Carroll & Dubies Superfund Site, Town of Deerpark, New York, EPA Index No. II-CERCLA-97-0211.

FOR FURTHER INFORMATION CONTACT: U.S. Environmental Protection Agency, Office of Regional Counsel, New York/Caribbean Superfund Branch, 17th Floor, 290 Broadway, New York, New York, 10007-1866, (212) 637-3183, Attention: Sharon E. Kivowitz.

Dated: November 18, 1997.

William J. Muszynski,

Acting Regional Administrator.

[FR Doc. 97-31269 Filed 11-26-97; 8:45 am]

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ENVIRONMENTAL PROTECTION AGENCY

[FRL-5929-1]

Deminimis Settlement Under Section 122(g) of the Comprehensive Environmental Response, Compensation and Liability Act; In the Matter of Powell Road Landfill Site, Huber Heights, Ohio

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice; *Deminimis* settlement.

SUMMARY: EPA is proposing to settle claims with certain *deminimis* potentially responsible parties (PRPs) regarding past and estimated future response costs at the Powell Road Landfill Site in Huber Heights, Ohio. EPA is authorized under section 122(i)(1) of the Comprehensive Environmental Response, Compensation and Liability Act of 1980, as amended (CERCLA), to enter into this settlement. The U.S. Department of Justice has approved this settlement, consistent with section 122(g)(4) of CERCLA. Total response costs for the Site are approximately \$26,925,537: \$4,735,237 in past costs incurred by certain PRPs in connection with the Remedial Design for the Site and EPA oversight through December 31, 1996; and \$22,940,300 in estimated future costs, including future oversight. The estimated future costs figure was reduced by \$750,000 to account for certain PRP generators who are insolvent or defunct. The settling PRPs will pay approximately \$918,582

for response costs related to the Powell Road Site. EPA is proposing to approve this *deminimis* settlement because the monies recovered will be deposited into the Powell Road Landfill Special Account within the EPA Hazardous Substances Superfund and shall be used to finance the response action that will be implemented and conducted by the major PRPs under a Remedial Action Consent Decree for the Site.

On May 13, 1997, EPA sent the *deminimis* settlement offer and Administrative Order on Consent (Consent Order) to 182 *deminimis* PRPs (170 commercial/industrial generators and 12 transporters). The Consent Order gives substantial releases from liability under CERCLA, including the United States' covenant not to sue for past and future liability, and contribution protection from suit by other PRPs at the Site. The Consent Order provides for settlement with generator PRPs who are, individually, responsible for less than .96% of the total volume of allocable hazardous waste sent to the Site; and transporter PRPs who are, individually, responsible for less than 1.34% of the total volume of allocable hazardous waste sent to the Site. 71 of the 182 *deminimis* PRPs executed binding certifications of their consent to participate in the *deminimis* settlement.

Settling *deminimis* PRPs will be required to pay their fair share of the past and estimated future response costs at the Site, including a 75% premium assessed against the estimated future response costs to account for potential cost overruns, the potential for failure of the selected response action to clean up the Site, and other risks. The settlement payment amount for each *deminimis* PRP is based upon each *deminimis* PRP's "adjusted weighted share" of waste that it contributed to the Site, expressed as a percentage of the total volume of allocable waste contributed to the Site by all PRPs. In order to promote a fair allocation of responsibility between the different types of PRPs, EPA developed an adjusted weighted share percentage for each PRP. This figure is based upon each PRP's actual volumetric contribution of waste to the Site, adjusted to account for the evidence linking the PRP to the Site and the nature of waste contributed by the PRP, and the PRP's usage of the Powell Road Site from 1959 to 1973, the period during which no documentation exists regarding the volume of waste contributed to the Site. The settlement payment amount for each *deminimis* generator was calculated by multiplying each *deminimis* generator's adjusted weighted share percentage by the portion of total site costs, including

premium, allocated to the *deminimis* generator class (37.5% of total site costs or \$16,338,098). The settlement payment amount for each *deminimis* transporter was calculated by multiplying each *deminimis* transporter's adjusted weighted share percentage by the portion of total site costs, including premium, allocated to the *deminimis* transporter class (10% of total site costs or \$4,356,826).

DATES: Comments on this *deminimis* settlement must be received on or before December 29, 1997.

ADDRESSES: Written comments relating to this *deminimis* settlement, Docket No. V-W-97-C-401, should be sent to Constandina A. Kallos, Associate Regional Counsel, U.S. Environmental Protection Agency, Region 5, Mail Code: C-29A, 77 West Jackson Boulevard, Chicago, Illinois 60604-3590.

FOR FURTHER INFORMATION CONTACT: Copies of the Administrative Order on Consent and the Administrative Record for this Site are available at the following address for review. It is strongly recommended that you telephone Mike Bellot at (312) 353-6425 before visiting the Region 5 Office.

U.S. Environmental Protection Agency, Region 5, Superfund Division, 77 West Jackson Boulevard, Chicago, Illinois 60604-3590.

Authority: The Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended, 42 U.S.C. 9601 *et seq.*

William E. Muno,

Director, Superfund Division, Region 5.

[FR Doc. 97-31281 Filed 11-26-97; 8:45 am]

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ENVIRONMENTAL PROTECTION AGENCY

[FRL-59286]

Proposed CERCLA Administrative De Micromis Settlement; Waste, Inc.

AGENCY: Environment Protection Agency (EPA).

ACTION: Notice; request for public comment.

SUMMARY: In accordance with section 122(i) of the Comprehensive Environmental Response, Compensation, and Liability Act, as amended (CERCLA), 42 U.S.C. 9622(i), notice is hereby given of a proposed administrative de micromis settlement concerning the Waste Inc., Superfund site in Michigan City, Indiana, with the settling parties included in the Supplementary Information portion of this document. The settlement is